



Rep. Dave Vella

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10300HB1208ham001

LRB103 05940 SPS 57753 a

1 AMENDMENT TO HOUSE BILL 1208

2 AMENDMENT NO. _____. Amend House Bill 1208 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Court of Claims Act is amended by changing
5 Section 24 as follows:

6 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

7 Sec. 24. Payment of awards.

8 (1) From funds appropriated by the General Assembly for
9 the purposes of this Section the Court may direct immediate
10 payment of:

11 (a) All claims arising solely as a result of the
12 lapsing of an appropriation out of which the obligation
13 could have been paid.

14 (b) All claims pursuant to the Line of Duty
15 Compensation Act.

16 (c) All claims pursuant to the "Illinois National

1 Guardsman's and Naval Militiaman's Compensation Act",
2 approved August 12, 1971, as amended.

3 (d) All claims pursuant to the "Crime Victims
4 Compensation Act", approved August 23, 1973, as amended.

5 (d-5) All claims against the State for unjust
6 imprisonment as provided in subsection (c) of Section 8 of
7 this Act.

8 (e) All other claims wherein the amount of the award
9 of the Court is less than \$50,000.

10 (2) The court may, from funds specifically appropriated
11 from the General Revenue Fund for this purpose, direct the
12 payment of awards less than \$50,000 solely as a result of the
13 lapsing of an appropriation originally made from any fund held
14 by the State Treasurer. For any such award paid from the
15 General Revenue Fund, the court shall thereafter seek an
16 appropriation from the fund from which the liability
17 originally accrued in reimbursement of the General Revenue
18 Fund.

19 (3) In directing payment of a claim pursuant to the Line of
20 Duty Compensation Act, the Court must direct the Comptroller
21 to add an interest penalty if payment of a claim is not made
22 within 6 months after a claim is filed in accordance with
23 Section 3 of the Line of Duty Compensation Act and all
24 information has been submitted as required under Section 4 of
25 the Line of Duty Compensation Act. If payment is not issued
26 within the 6-month period, an interest penalty of 1% of the

1 amount of the award shall be added for each month or fraction
2 thereof after the end of the 6-month period, until final
3 payment is made. This interest penalty shall be added
4 regardless of whether the payment is not issued within the
5 6-month period because of the appropriation process, the
6 consideration of the matter by the Court, or any other reason.

7 (3.5) The interest penalty payment provided for in
8 subsection (3) shall be added to all claims for which benefits
9 were not paid as of the effective date of P.A. 95-928. The
10 interest penalty shall be calculated starting from the
11 effective date of P.A. 95-928, provided that the effective
12 date of P.A. 95-928 is at least 6 months after the date on
13 which the claim was filed in accordance with Section 3 of the
14 Line of Duty Compensation Act. In the event that the date 6
15 months after the date on which the claim was filed is later
16 than the effective date of P.A. 95-928, the Court shall
17 calculate the interest payment penalty starting from the date
18 6 months after the date on which the claim was filed in
19 accordance with Section 3 of the Line of Duty Compensation
20 Act. This subsection (3.5) of this amendatory Act of the 96th
21 General Assembly is declarative of existing law.

22 (3.6) In addition to the interest payments provided for in
23 subsections (3) and (3.5), the Court shall direct the
24 Comptroller to add a "catch-up" payment to the claims of
25 eligible claimants. For the purposes of this subsection (3.6),
26 an "eligible claimant" is a claimant whose claim is not paid in

1 the year in which it was filed. For purposes of this subsection
2 (3.6), "'catch-up' payment" is defined as the difference
3 between the amount paid to claimants whose claims were filed
4 in the year in which the eligible claimant's claim is paid and
5 the amount paid to claimants whose claims were filed in the
6 year in which the eligible claimant filed his or her claim. The
7 "catch-up" payment is payable simultaneously with the claim
8 award.

9 (3.7) For the purpose of making up any deficiency in the
10 appropriation for the payment of claims directed pursuant to
11 the Line of Duty Compensation Act, there is hereby
12 appropriated, on a continuing annual basis in each fiscal
13 year, from the General Revenue Fund to the Court of Claims, the
14 amount, if any, by which the total appropriation for the
15 payment of claims directed pursuant to the Line of Duty
16 Compensation Act for the fiscal year is less than the amount
17 required for the payment of claims pursuant to the Line of Duty
18 Compensation Act for that fiscal year. The amount of any
19 continuing appropriation used by the Court of Claims under
20 this subsection (3.7) for a given fiscal year shall be charged
21 against the unexpended amount of any appropriation for line of
22 duty awards to the Court of Claims for that fiscal year that
23 subsequently becomes available. The Court of Claims shall
24 report to the President and Minority Leader of the Senate, the
25 Speaker and Minority Leader of the House of Representatives,
26 and the Governor's Office of Management and Budget on any

1 continuing appropriation that is used at the conclusion of a
2 fiscal year.

3 (4) From funds appropriated by the General Assembly for
4 the purposes of paying claims under paragraph (c) of Section
5 8, the court must direct payment of each claim and the payment
6 must be received by the claimant within 60 days after the date
7 that the funds are appropriated for that purpose.

8 (Source: P.A. 100-1124, eff. 11-27-18.)

9 Section 10. The Line of Duty Compensation Act is amended
10 by changing Section 3 as follows:

11 (820 ILCS 315/3) (from Ch. 48, par. 283)

12 Sec. 3. Duty death benefit.

13 (a) If a claim therefor is made within 2 years ~~one year~~ of
14 the date of death of a law enforcement officer, civil defense
15 worker, civil air patrol member, paramedic, fireman, chaplain,
16 or State employee killed in the line of duty, or if a claim
17 therefor is made within 2 years of the date of death of an
18 Armed Forces member killed in the line of duty, compensation
19 shall be paid to the person designated by the law enforcement
20 officer, civil defense worker, civil air patrol member,
21 paramedic, fireman, chaplain, State employee, or Armed Forces
22 member. However, if the Armed Forces member was killed in the
23 line of duty before October 18, 2004, the claim must be made
24 within one year of October 18, 2004. In addition, if a death

1 occurred after December 31, 2016 and before January 1, 2021,
2 the claim may be made no later than December 31, 2022
3 notwithstanding any other deadline established under this Act
4 with respect to filing a claim for a duty death benefit.

5 (b) The amount of compensation, except for an Armed Forces
6 member, shall be \$10,000 if the death in the line of duty
7 occurred prior to January 1, 1974; \$20,000 if such death
8 occurred after December 31, 1973 and before July 1, 1983;
9 \$50,000 if such death occurred on or after July 1, 1983 and
10 before January 1, 1996; \$100,000 if the death occurred on or
11 after January 1, 1996 and before May 18, 2001; \$118,000 if the
12 death occurred on or after May 18, 2001 and before July 1,
13 2002; and \$259,038 if the death occurred on or after July 1,
14 2002 and before January 1, 2003. For an Armed Forces member
15 killed in the line of duty (i) at any time before January 1,
16 2005, the compensation is \$259,038 plus amounts equal to the
17 increases for 2003 and 2004 determined under subsection (c)
18 and (ii) on or after January 1, 2005, the compensation is the
19 amount determined under item (i) plus the applicable increases
20 for 2005 and thereafter determined under subsection (c).

21 (c) Except as provided in subsection (b), for deaths
22 occurring on or after January 1, 2003, the death compensation
23 rate for death in the line of duty occurring in a particular
24 calendar year shall be the death compensation rate for death
25 occurring in the previous calendar year (or in the case of
26 deaths occurring in 2003, the rate in effect on December 31,

1 2002) increased by a percentage thereof equal to the
2 percentage increase, if any, in the index known as the
3 Consumer Price Index for All Urban Consumers: U.S. city
4 average, unadjusted, for all items, as published by the United
5 States Department of Labor, Bureau of Labor Statistics, for
6 the 12 months ending with the month of June of that previous
7 calendar year.

8 (d) If no beneficiary is designated or if no designated
9 beneficiary survives at the death of the law enforcement
10 officer, civil defense worker, civil air patrol member,
11 paramedic, fireman, chaplain, or State employee killed in the
12 line of duty, the compensation shall be paid in accordance
13 with a legally binding will left by the law enforcement
14 officer, civil defense worker, civil air patrol member,
15 paramedic, fireman, chaplain, or State employee. If the law
16 enforcement officer, civil defense worker, civil air patrol
17 member, paramedic, fireman, chaplain, or State employee did
18 not leave a legally binding will, the compensation shall be
19 paid as follows:

20 (1) when there is a surviving spouse, the entire sum
21 shall be paid to the spouse;

22 (2) when there is no surviving spouse, but a surviving
23 descendant of the decedent, the entire sum shall be paid
24 to the decedent's descendants per stirpes;

25 (3) when there is neither a surviving spouse nor a
26 surviving descendant, the entire sum shall be paid to the

1 parents of the decedent in equal parts, allowing to the
2 surviving parent, if one is dead, the entire sum; and

3 (4) when there is no surviving spouse, descendant or
4 parent of the decedent, but there are surviving brothers
5 or sisters, or descendants of a brother or sister, who
6 were receiving their principal support from the decedent
7 at his death, the entire sum shall be paid, in equal parts,
8 to the dependent brothers or sisters or dependent
9 descendant of a brother or sister. Dependency shall be
10 determined by the Court of Claims based upon the
11 investigation and report of the Attorney General.

12 The changes made to this subsection (d) by this amendatory Act
13 of the 94th General Assembly apply to any pending case as long
14 as compensation has not been paid to any party before the
15 effective date of this amendatory Act of the 94th General
16 Assembly.

17 (d-1) For purposes of subsection (d), in the case of a
18 person killed in the line of duty who was born out of wedlock
19 and was not an adoptive child at the time of the person's
20 death, a person shall be deemed to be a parent of the person
21 killed in the line of duty only if that person would be an
22 eligible parent, as defined in Section 2-2 of the Probate Act
23 of 1975, of the person killed in the line of duty. This
24 subsection (d-1) applies to any pending claim if compensation
25 was not paid to the claimant of the pending claim before the
26 effective date of this amendatory Act of the 94th General

1 Assembly.

2 (d-2) If no beneficiary is designated or if no designated
3 beneficiary survives at the death of the Armed Forces member
4 killed in the line of duty, the compensation shall be paid in
5 entirety according to the designation made on the most recent
6 version of the Armed Forces member's Servicemembers' Group
7 Life Insurance Election and Certificate ("SGLI").

8 If no SGLI form exists at the time of the Armed Forces
9 member's death, the compensation shall be paid in accordance
10 with a legally binding will left by the Armed Forces member.

11 If no SGLI form exists for the Armed Forces member and the
12 Armed Forces member did not leave a legally binding will, the
13 compensation shall be paid to the persons and in the priority
14 as set forth in paragraphs (1) through (4) of subsection (d) of
15 this Section.

16 This subsection (d-2) applies to any pending case as long
17 as compensation has not been paid to any party before the
18 effective date of this amendatory Act of the 94th General
19 Assembly.

20 (e) If there is no beneficiary designated or if no
21 designated beneficiary survives at the death of the law
22 enforcement officer, civil defense worker, civil air patrol
23 member, paramedic, fireman, chaplain, State employee, or Armed
24 Forces member killed in the line of duty and there is no other
25 person or entity to whom compensation is payable under this
26 Section, no compensation shall be payable under this Act.

1 (f) No part of such compensation may be paid to any other
2 person for any efforts in securing such compensation.

3 (g) This amendatory Act of the 93rd General Assembly
4 applies to claims made on or after October 18, 2004 with
5 respect to an Armed Forces member killed in the line of duty.

6 (h) In any case for which benefits have not been paid
7 within 6 months of the claim being filed in accordance with
8 this Section, which is pending as of the effective date of this
9 amendatory Act of the 96th General Assembly, and in which
10 there are 2 or more beneficiaries, at least one of whom would
11 receive at least a portion of the total benefit regardless of
12 the manner in which the Court of Claims resolves the claim, the
13 Court shall direct the Comptroller to pay the minimum amount
14 of money which the determinate beneficiary would receive
15 together with all interest payment penalties which have
16 accrued on that portion of the award being paid within 30 days
17 of the effective date of this amendatory Act of the 96th
18 General Assembly. For purposes of this subsection (h),
19 "determinate beneficiary" means the beneficiary who would
20 receive any portion of the total benefit claimed regardless of
21 the manner in which the Court of Claims adjudicates the claim.

22 (i) The Court of Claims shall ensure that all individuals
23 who have filed an application to claim the duty death benefit
24 for a deceased member of the Armed Forces pursuant to this
25 Section or for a fireman pursuant to this Section, or their
26 designated representative, shall have access, on a timely

1 basis and in an efficient manner, to all information related
2 to the court's consideration, processing, or adjudication of
3 the claim, including, but not limited to, the following:

4 (1) a reliable estimate of when the Court of Claims
5 will adjudicate the claim, or if the Court cannot estimate
6 when it will adjudicate the claim, a full written
7 explanation of the reasons for this inability; and

8 (2) a reliable estimate, based upon consultation with
9 the Comptroller, of when the benefit will be paid to the
10 claimant.

11 (j) The Court of Claims shall send written notice to all
12 claimants within 2 weeks of the initiation of a claim
13 indicating whether or not the application is complete. For
14 purposes of this subsection (j), an application is complete if
15 a claimant has submitted to the Court of Claims all documents
16 and information the Court requires for adjudicating and paying
17 the benefit amount. For purposes of this subsection (j), a
18 claim for the duty death benefit is initiated when a claimant
19 submits any of the application materials required for
20 adjudicating the claim to the Court of Claims. In the event a
21 claimant's application is incomplete, the Court shall include
22 in its written notice a list of the information or documents
23 which the claimant must submit in order for the application to
24 be complete. In no case may the Court of Claims deny a claim
25 and subsequently re-adjudicate the same claim for the purpose
26 of evading or reducing the interest penalty payment amount

1 payable to any claimant.

2 (Source: P.A. 102-215, eff. 7-30-21.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".